IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

LA.App..No. 1907 of 2002()

LAR.416/1999 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.MANOJ.

RESPONDENTS: CLAIMANTS:
---

1. IYYOYIL BALAN, P.O. EAST HILL,
KACHERI AMSOM, KOZHIKODE.

2. IYYOYIL BHARATHAN, P.O. EAST HILL,
KACHERI AMSOM, KOZHIKODE.

3. IYYOYIL DEVI, P.O. EAST HILL,
KACHERI AMSOM, KOZHIKODE.

4. IYYOYIL HARIDASAN, P.O. EAST HILL,
KACHERI AMSOM, KOZHIKODE.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.7290/02 IN LAA NO.1907/02

DISMISSED.

13.2.2007. SD/- KURIAN JOSEPH, JUDGE.
SD/- K.T.SANKARAN, JUDGE.

KURIAN JOSEPH & K.T.SANKARAN, JJ.

L.A.A.No.1907 of 2002

Dated 13th February, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is filed against the judgment and decree in L.A.R.416/99 on the file of the Sub Court, Kozhikode. The acquisition is for the purpose of widening of East Hill-Ganapathikavu road. Section 4(1) notification was published on 26.12.1995. The Land Acquisition Officer fixed the land value at the rate of Rs.10,113/- per cent. The reference court, based on Ext.C1 commission report and Ext.C2 sketch found that the document relied on by the Land Acquisition Officer was not similar to the property acquired. That had road access only through a cut road. It was also found that the acquired property was situated in an important locality having road access. The Advocate Commissioner reported that the property covered by Ext.A1 document executed on 14.12.1995 was similar to the acquired property. The reference court noted that the property covered by Ext.A1 is 46.41 cents and the sale consideration Rs.26 lakhs, which would show that the value per cent is Rs.60,299/-. However, taking note of the additional advantages

to Ext.A1 property like compound wall etc., reasonable deductions were made and the land value was fixed at Rs.45,000/- per cent. The fixation thus being based on proper evidence and there being no evidence on the part of the appellant to upset that evidence, we hold that the value fixed by the reference court is just, proper and reasonable. Therefore, this appeal is dismissed.

KURIAN JOSEPH, JUDGE.

K.T.SANKARAN, JUDGE.

tgs

KURIAN JOSEPH & K.T.SANKARAN, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 13th February, 2007.